

Q&A  
**EPA's Draft Modifications to NPDES General Permit TXG330000  
for Discharges from Onshore Stripper Wells East of the 98<sup>th</sup> Meridian**  
*January 23, 2014*

The Environmental Protection Agency (EPA), Region 6, has proposed to modify the National Pollutant Discharge Elimination System (NPDES) general permit for the Coastal Waters of Texas (No. TXG330000) for discharges from existing and new dischargers and New Sources in the Coastal Subcategory of the Oil and Gas Extraction Point Source Category as authorized by section 402 of the Clean Water Act, 33 U.S.C. 1342. The proposed modification would restore eligibility for certain inland dischargers found in the previous version of the permit and add freshwater toxicity tests for discharges to fresh waters.

The public comment period ended on January 16, 2014. EPA is currently reviewing comments and preparing responses to them.

**Q. Are current inland discharges from stripper wells covered under the general permit?**

Previous permits did offer coverage to dischargers in this area. However, when the permit was reissued in 2012, it did not include coverage beyond the coastal zone, so inland dischargers are no longer eligible for coverage. The primary purpose of the current proposed modification is to restore eligibility for inland stripper wells.

**Q. What notice was given to permit holders?**

For NPDES general permits issued by EPA, the primary public notice is given in the Federal Register. A newspaper notice is also made. The Federal Register notice was published on December 2, 2013, and opened a 45-day public comment period instead of the normal 30-day public comment period, to ensure some time was available both before and after the holidays. A prepublication copy of the proposal was added to the EPA Region 6 NPDES Permit Public Notice web site prior to proposal in the Federal Register. Notice was also published in the Houston Chronicle on November 22, 2013. All parties on the standing mailing lists for NPDES coastal, NPDES Texas and NPDES Region 6 updates were also notified of the proposal. To be included on a mailing list, contact Diane Smith at 214-665-2145 or [smith.diane@epa.gov](mailto:smith.diane@epa.gov) or by mail at Diane Smith, Permit Processing Team (6WQ-NP), 1445 Ross Ave., Ste. 1200, Dallas, TX 75202.

**Q. What is a WET test?**

Whole Effluent Toxicity (WET) is a term used to describe the aggregate toxic effect of an aqueous sample (e.g., whole effluent wastewater discharge) as measured by an organism's response upon exposure to the sample (e.g., lethality, impaired growth or reproduction). WET tests replicate the total effect and actual environmental exposure of aquatic life to toxic pollutants in an effluent without requiring the identification of the specific pollutants. WET testing is a vital component of the water quality standards implementation through the NPDES permitting process and supports meeting the goals of the Clean Water Act (Section 402), "... maintain the chemical, physical and biological integrity of the nation's waters." More about WET is at <http://cfpub.epa.gov/npdes/wqbasedpermitting/wet.cfm>.

**Q. When will the modifications go into effect?**

Any new or modified conditions for the permit will not be effective until a final decision has been made and the final modification issued with an effective date. Since discharges in the areas being added to the existing permit are not currently authorized by it, these conditions would not apply to dischargers until they file Notices of Intent to be authorized after the final permit modification has been issued. For those dischargers who receive authorization under a modified permit, even if finalized as proposed (and no decision has been whether changes to the proposal are warranted due to issues raised in comments), only those dischargers who actually failed a WET test would trigger the need to at least temporarily cease discharging from a particular facility.

**Q. Is there an alternative method of permit coverage?**

Should the final permit decision not adequately address some unique situations, a particular discharger always has the option to apply for an individual permit where site specific conditions can be better considered. Any individual permit would also be subject to the national technology-based effluent limitation guidelines, but the water quality-based evaluation would take into account specifics of that particular discharge and its receiving water.

**Q. Do all discharges of produced water from oil and gas wells actually require NPDES permit coverage?**

Any discharge of pollutants to the water of the United States requires authorization under a NPDES permit. While the Railroad Commission of Texas also has a permitting program, those permits do not provide Clean Water Act authorization to discharge.

Note that should produced water be impounded for livestock watering or irrigation purposed, and would not discharge to a water of the United States, no NPDES discharge permit would be required. Return flows from agricultural irrigation are also exempt from NPDES permitting.

**Q. Why do the modifications call for WET testing that doesn't take into account naturally occurring ions for the water strippers' discharge?**

While ion imbalances may be all or part of the reason a test from a particular well may fail, they are not the only reason they could fail (e.g., improper operation of oil water separators, well treatment chemicals, etc.). However, EPA understands the concern and will be carefully looking for options that would allow continued discharges of truly clean water meeting Texas Water Quality Standards and Clean Water Act requirements, since EPA supports beneficial use of limited water resources, especially in times of drought. Note that the proposed permit modification would only require a temporary cessation of discharge until two tests had passed.

**Q. Is WET testing is a new requirement just for this industry?**

WET testing is commonly used in NPDES permits to evaluate compliance with water quality standards requiring that no discharge should cause toxicity in receiving waters. The Outer Continental Shelf, Texas Territorial Seas, and existing Texas Coastal (the one being modified) oil and gas general permits already have WET requirements included to protect the saltwater species discharges could impact. Since the inland stripper well discharges are to freshwater streams, the saltwater species tests used for coastal and offshore waters are inappropriate.

**Q. Where is the 98<sup>th</sup> meridian?**

The 90<sup>th</sup> meridian is a north-south line located east of San Antonio and Wichita Falls and west of Fort Worth.

**Q. What happens next in this process?**

EPA may contact commenters to discuss and better understand their comments and the issues they raised. In a parallel process, EPA must also obtain a certification of the permit from the Railroad Commission of Texas, which can condition the certification on inclusion of additional and/or more restrictive conditions, include a statement of the extent to which the permit could be made less stringent without violating state water quality standards, and/or offer additional comments. EPA has already alerted Railroad Commission staff as to the major concerns received during the comment period.

After all comments and the State's certification have been considered and appropriate changes, if needed, made to the proposal, a final permit decision will be issued establishing an effective date for the modified permit. Until that time, the proposed changes are not in effect and apply to no one. Dischargers in the inland area proposed to be added to the permit cannot submit a Notice of Intent to be covered by the permit until the effective date of the modification and only after they have obtained coverage would the permit conditions apply to them.

**Q. How can I find out more information about this proposed modification?**

More information is available on these webpages:

- [Federal Register Notice for TXG330000 Permit Modification](#)
- [TXG330000 - Draft Permit Modification Part 1](#) (PDF)(296KB,26pp)
- [TXG330000 - Draft Permit Modification Part 2](#) (PDF)(162KB,17pp)
- [TXG330000 - Fact Sheet](#) (PDF)(117KB,6pp)